



Peter Lawler
By email:
foi+request-1066-c11e9bfe@righttoknow.org.au

Reply to: ATO General Counsel
GPO Box 1797
Melbourne 3001

Our reference: 1-6NFJ390
Contact officer: Julie Galeotti
Phone: 03 928 51810
Fax: 03 928 51702

9 June 2015

We are unable to grant your request for access to documents

Dear Mr Lawler

I am writing about your application dated 8 May 2015 requesting copies of documents under the *Freedom of Information Act 1982* (FOI Act).

I am an officer authorised under section 23 of the FOI Act to make decisions regarding access to documents.

You have requested:

a count of the number of documents produced by the ABR AUSKey project, (either by the ATO, ABR, AUSKey or their contractors and subordinates as working on the AUSKey project and provided to the relevant government department), since June 15 2012 that refer to software security reviews, audits, other associated safety check procedures, threat analysis matrices etc. of the Firefox 13.0.1 web browser provided in any release of the AUSKey software.

I note that the right of access enshrined in the FOI Act applies to 'documents'. There is no general obligation on agencies to reduce information to written documentary form in order to facilitate an FOI request.¹ Notwithstanding this, and in accordance with the objects of the FOI Act to give the Australian community access to information held by government, I have decided to process your request.

I have arranged for searches to be conducted by the Business Reporting and Registration business line, which is responsible for the AUSKey program. They have identified no documents produced by the ABR AUSKey project since June 15 2012 that refer to software security reviews, audits, other associated safety check procedures, threat analysis matrices etc that specifically relate to the Firefox 13.0.1 web browser.

I therefore have to refuse access to the documents requested under s 24A of the Act. This section states that a request can be refused if

- (a) All reasonable steps have been taken to find the document; and
- (b) the agency of Minister is satisfied that the document:
 - (i) Is in the agency's or Minister's possession but cannot be found; or
 - (ii) Does not exist.

I believe that all reasonable steps have been taken to locate any relevant documents and I am satisfied that no documents exist.

¹ Except in certain circumstances in relation to requests for information stored electronically. See *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982*, paragraph 1.29.

Your rights of review

If you are unhappy with the decision, you can either request an internal review or request an independent review by the Australian Information Commissioner. You can also apply to the Australian Information Commissioner after an internal review has been conducted.

A request for an internal review needs to:

- be in writing
- be sent to us within 30 days of being notified of my decision, and
- be sent, quoting reference number FOI 1-6NFJ390 via:
 - email at foi@ato.gov.au or
 - mail to:
Australian Taxation Office
GPO Box 1797, Melbourne Vic 3001

The internal review will be done by an officer who did not make the initial decision.

A request for an independent review by the Australian Information Commissioner needs to:

- be sent within 60 days of being notified of my decision;
- include a copy of this notice;
- include an address where notices can be sent (eg your email address); and
- be sent to the Office of the Australian Information Commissioner:
 - by mail: GPO Box 2999
CANBERRA CITY ACT 2601
 - by fax: (02) 9284 9666
 - by email: enquiries@oaic.gov.au

You may also apply to the Australian Information Commissioner if you have not been informed of the outcome of an internal review within 30 days.

Please note: The Australian Government has introduced a Bill into Parliament to abolish the OAIC. For more information about how the OAIC is handling FOI matters please visit their website at www.oaic.gov.au.

Complaints

Any complaint about the processing of your FOI request can be directed to the Commonwealth Ombudsman. The complaint should set out the grounds on which you consider the action should be investigated. Complaints can be made in writing, by phone, in person or by using an online form available from their website.

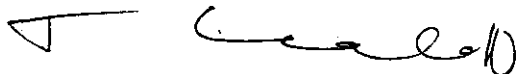
- 1300 362 072 (calls from mobile phones at mobile phone rates)
- ombudsman@ombudsman.gov.au
- GPO Box 442 Canberra ACT 2601
- www.ombudsman.gov.au/pages/making-a-complaint/

For further details regarding the Commonwealth Ombudsman, visit: www.ombudsman.gov.au.

For more information

If you have any questions, please phone Julie Galeotti on 03 928 51810 or call 13 28 69 between 8.00am and 5.00pm, Monday to Friday, and ask for Julie on extension 51810.

Yours sincerely,



Julie Galeotti
Senior FOI Adviser
General Counsel
Australian Taxation Office